

Appl. No. 10/522,449
Amdt. Dated November 20, 2008
Reply to Office Action of August 20, 2008

REMARKS

A. Introduction

Claims 1-4 were pending and under consideration in the application. Claims 5-29 were previously cancelled.

In the Office Action of August 20, 2008, claims 1-4 were rejected as obvious.

In response, no claims have been amended and the rejection is traversed..

B. Rejections under 35 USC §103(a)

Claims 1-4 were rejected as being unpatentable over U.S. Patent No. 5,141,556 to Matrick in view of Japanese Patent Publication No. 2003-192966 to Ueno. The rejection is traversed for at least the following reason.

Independent claim 1 recites an ethylene oxide adduct of 3-ethyl-3-hydroxymethyl-heptanol. The Examiner acknowledges Matrick does not disclose such and relies on Ueno. Ueno, however, is limited to an alkylene oxide adduct of 2-butyl-2-ethyl-1,3-propanediol. Notably, an ethylene oxide adduct cannot be substituted with an alkylene oxide adduct. Specifically, Ueno has a carbon joined with an ethyl and a butyl with alcohol on either end while the similarly positioned portion of the formula recited in independent claim 1 has CH₂CH₂CH₂CH₃ and does not include Alcohol. As such, the Ueno compound is not the same of formula 1 for at least the reason that it includes Alcohol on either end.

Accordingly, neither Matrick nor Ueno, either individually or in combination, meet all of the features recited in independent claim 1. Therefore, the rejection of independent claim 1 under 35 U.S.C. §103(a) is improper, and withdrawal of this rejection and allowance of this claim are earnestly solicited.

Claims 2-4 depend from independent claim 1 and thus include all of the limitations of independent claim 1. Accordingly, dependent claims 2-4 are patentable over Matrick and Takamiya, either individually or in combination, for at least the same reasons discussed above with respect to independent claim 1.

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C. Conclusion

In view of the foregoing, it is submitted that claims 1-4 are allowable and that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,
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